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Committee against Torture
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Chair: Mr. Modvig

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The meeting was called to order at 10.10 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

Sixth periodic report of the Russian Federation (CAT/C/RUS/6; CAT/C/RUS/QPR/6)

1. *At the invitation of the Chairperson, the delegation of the Russian Federation took places at the Committee table.*

2. **Mr. Galperin** (Russian Federation), introducing his country's sixth periodic report (CAT/C/RUS/6), said that much progress had been made in improving protections for the rights of detainees. Changes had been made to legislation on the penal system and on the detention of persons suspected or accused of having committed an offence. The regulations on the use of physical force, special devices and firearms by penal system employees had also been amended. Such measures were permitted by law in certain circumstances, including when escorting detainees or prisoners. Special devices could not be used on women who were visibly pregnant, persons who obviously had a disability or minors, except in cases where such persons engaged in behaviour that threatened the life or health of employees of the penal system. Where possible, the use of physical force or special devices was recorded on video. The procurator was notified immediately of any injury or death in a penal facility caused by the use of physical force, special devices or firearms and received full information on the case within 24 hours.

3. In line with a broad policy of humanizing criminal law, Federal Act No. 33 of 7 March 2017 provided for pregnant women, women with children under the age of 14 and male single parents with children under the age of 14 to defer their prison sentence until their children turned 14. Under Federal Act No. 200 of 26 July 2017, parents serving sentences under a less strict regime could apply to serve the last six months of their sentence under supervision outside the correctional colony and request to live with their children. New rules governing the conditions for pregnant women in detention provided that they could be transferred only with the approval of a doctor and if accompanied by a medical professional. To protect the rights of children to have contact with their incarcerated mothers, legal provisions had been introduced to allow extended visits outside the correctional colony for certain categories of prisoners. Under Federal Act No. 292 of 16 October 2017, prisoners serving life sentences under a strict regime were permitted one extended visit with their families per year. The time for outdoor exercise afforded prisoners had been increased to between 90 minutes and 3 hours, depending on the specific prison regime. Such measures had been introduced in response to recommendations made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment following its visit to the Russian Federation.

4. Federal Act No. 203 of 19 July 2018 had amended the Federal Act on Pretrial Detention of Suspects and Accused Persons and the Federal Act on Public Oversight of Respect for Human Rights in Places of Forced Detention and on Assistance to Inmates of Places of Forced Detention in order to expand the rights of members of public oversight commissions to visit places of detention and improve the regulation of their activities in places of detention, including medical and psychiatric establishments. The commissions were permitted to take photographs and record video of detainees in order to detect violations of their rights. The list of places that they could visit had been extended.

5. Significant efforts had been made to improve knowledge among the staff of the Ministry of Internal Affairs, the Investigative Committee of the Russian Federation and the Federal Penal Correctional Service regarding the protection of human rights, the unacceptability of inhuman treatment and the prohibition of torture. Continuing professional development programmes at the Ministry of Internal Affairs included training on human rights, with an emphasis on international standards, and regular training featured warnings about the use of excessive force to maintain order at large-scale public events and demonstrations. In June 2018, the Plenum of the Supreme Court of the Russian Federation had issued a decision aimed at reducing the numbers of arrests at demonstrations. All cases in which law enforcement officials breached the law were investigated and wrongdoers

were brought to justice. The military police were required to study the main provisions of the Convention against Torture. Persons working for the Supreme Court received updates on the practice of the European Court of Human Rights, and decisions it made concerning the Russian Federation were translated into Russian. The Ministry of Justice worked continuously with human rights bodies, the Presidential Council for the Development of Civil Society and Human Rights, and non-governmental organizations (NGOs).

6. **The Chair** (Country Rapporteur) said that the Committee would be grateful if the delegation could provide detailed information on whether measures had been taken to bring the definition of torture in the State party's legislation into full compliance with article 1 of the Convention, in particular with regard to criminal responsibility for acts and attempted acts of torture and complicity in torture. The Committee again strongly encouraged the State party to fulfil its obligations under the Convention by ensuring that torture was defined in accordance with article 1 thereof. The lack of a single article specifically criminalizing the act of torture made it difficult to interpret the statistics provided by the State party, which covered a range of acts criminalized under the Special Section of the Criminal Code and did not clarify how many of the cases indicated had involved torture and how many had involved public officials.

7. The lack of clear statistics was regrettable, particularly given reliable information before the Committee indicating that torture was widely practised in the State party. A video recording, filmed on 29 June 2017, showed Russian prison guards beating a prisoner who had been identified as Yevgeny Makarov. Reports indicated that a number of the guards involved had subsequently been fired. He would appreciate a comment from the delegation on the video and information on who was leading the investigation into the incident and when the investigation would be concluded. He would also like a response to allegations that the victim's lawyer, Irina Biryukova, had fled the country and information on what steps the State party was taking to ensure her safety.

8. The Committee wished to receive statistics, disaggregated by crime committed and ethnicity, age and sex of the complainant, on complaints of torture and ill-treatment committed by law enforcement officials and related investigations, prosecutions, convictions and sentences. Information should also be provided on the prosecution of public officials for torture under article 117 of the Criminal Code, as requested in paragraphs 1 and 19 of the list of issues prior to reporting (CAT/C/RUS/QPR/6).

9. He would like clarification of whether the figures provided for complaints lodged with the Ministry of Internal Affairs included complaints by prisoners or related only to complaints by detained suspects and accused persons and persons placed in administrative detention. The low numbers of complaints would appear to indicate that it was difficult for prisoners to file a complaint. Moreover, information received by the Committee indicated that prisoners who complained of torture were subsequently charged with making false claims, resulting in additional prison time. He would like to hear whether the State party had plans to create a safe and effective system for complaints of torture and ill-treatment that was accessible to persons deprived of their liberty and that would ensure the prompt, impartial and thorough investigation of complaints.

10. Reports indicated that complaints of abuse of power were systematically met with illegal procedural decisions that prevented the hearing of criminal cases and that there was an unwillingness to sanction the officials involved. While the special subdivision of the Investigative Committee of the Russian Federation tasked with investigating crimes committed by law enforcement officials appeared to be working well, its resources were insufficient. He wondered how the State party would ensure the investigation of alleged cases of torture in a prompt, impartial and thorough manner. For example, would units of the Special Subdivision be set up in every region? In addition, he wished to know why the sixth periodic report contained no response to the Committee's request that the State party should make a public declaration on the prohibition of torture.

11. Details would be appreciated of whether detainees benefited from different rights, depending on the offence of which they were suspected or accused. Did persons accused of terrorism and security-related offences, for instance, and persons held in administrative

detention enjoy the same rights and legal safeguards as other persons deprived of their liberty? Did fundamental legal safeguards apply from the outset of deprivation of liberty?

12. He would be interested in hearing whether the delegation could provide data on the amount of time that elapsed before persons who were arrested were permitted to make their one phone call. He would also like to know whether persons unable to speak Russian enjoyed the same rights with regard to phone calls. The Committee would appreciate a response to its request, in paragraph 2 of the list of issues, for clarification of the different rules concerning safeguards in criminal and administrative cases, in particular with regard to the notification of a relative or friend regarding a detainee's whereabouts and in what cases responsibility for notification fell to the investigating officer.

13. In the light of differing provisions in the Code of Criminal Procedure and Federal Act No. 103 of 15 July 1995 concerning access to a lawyer and reports that legal representatives were often denied access to their clients, he would like clarification of whether suspects could always have access to legal counsel from the moment of arrest and whether legal counsel could be present during interrogations of suspects, the subsequent signing of statements and at all other criminal proceedings. He also wished to know whether legal aid was available within an appropriate time frame for those without funds and in how many cases it had been provided. Data on the number of cases, out of the total number, in which suspects had met their defence counsel before interrogation would be welcome, as would information on the number of cases in which the required lawyer's warrant was not issued to the legal counsel.

14. Further information on medical examinations for detainees would be appreciated. How did the medical examination procedure function in practice and who was present during the medical examination? In order to understand whether the procedure functioned properly, it would be useful to have data for the reporting period indicating how many reports of injuries had been issued by doctors and how many investigations had taken place as a result. He would also appreciate details on how detected injuries were verified, whether the persons responsible for verification were medically qualified and whether statistics were available on the results of those verifications.

15. While it was clear that all incoming detainees underwent a routine medical examination, he wondered whether inmates had the right to see a medical doctor at any time. Statistics indicating how often such ad hoc examinations were performed would be appreciated, as would details of the decontamination procedure followed when suspects or accused persons were admitted to remand centres. How was respect for human dignity ensured during the procedure? He also wished to know how the State party planned to ensure that prison doctors were aware of, and complied with, their duty to document and report signs of torture, in line with the relevant procedures.

16. Paragraph 43 of the State party report indicated that medical examinations could be carried out by medical practitioners of other medical organizations; he wished to know whether that included practitioners completely unrelated to the penitentiary system. If so, how often did such practitioners carry out exams and did they do so at the request of the authorities or the detainee concerned? He would be interested in hearing what the procedures were for treating suspects brought in with withdrawal symptoms; how did the State party ensure that they were not subjected to pressure such as forced confessions and lack of treatment, which could amount to torture?

17. He would appreciate more information on the register of persons taken into custody, described in paragraph 58 of the State party report. In particular, he wished to know whether it was an electronic national register or a hard copy specific to the individual institution and whether it was updated in real time, thereby providing up-to-the-minute information about the whereabouts of all detained persons in the Russian Federation. He also wished to know why that information could not be accessed by a detainee's relatives or lawyer.

18. Noting that in cases covered by the Federal Act on the Police and other federal laws no one could be detained for more than 48 hours without a court order, he asked which cases were covered by the Act and which were not. What limit applied to cases that were not covered? He would welcome statistics on the proportion of cases in which officials

complied with the time limit. He wished to have greater clarity about the practice, mentioned in paragraph 48 of the State party report, of apprehending persons in secret when it was considered necessary in the interests of a pretrial investigation. Did such persons benefit from fundamental legal safeguards such as notification of relatives, provision of legal counsel and access to an independent physician? Was their detention entered into a register and could they be held for longer than 48 hours without a court order? Were they able to challenge the legality of their deprivation of liberty in a court? He would appreciate information on the annual number of cases in which the procurator had consented to keep the apprehension secret, the reasons for consent and the duration of the secret detentions.

19. Notwithstanding the description in the report of widespread installation of video cameras in police stations and other places of detention, the State party had provided no information on the video surveillance of interrogations, which was the most important safeguard against torture. He would like to know whether video cameras were installed in interrogation rooms in police stations and remand centres, what the rules for videotaping and supervising the recordings of interrogations were, and whether any cases of torture or ill-treatment had been identified by means of video surveillance. He also wished to know whether video surveillance recordings were made available to investigators, detainees and their lawyers.

20. He would be grateful for clarification of the procedure for providing persons admitted to remand centres with information on their rights, including whether they were informed of their right to see a physician and a lawyer. He would also like to learn how the State party ensured that the fundamental legal safeguards provided for by law were actually enjoyed in practice. It would be useful to know whether there were any cases of disciplinary or criminal penalties for failing to respect fundamental legal safeguards. Clarification of whether police badges specifically identified each individual officer, for example by name and number, would also be welcome. Had police officers worn such badges during the post-Sochi protests?

21. He would be grateful for statistics on the use of and the duration of administrative detention. He wondered how the facilities where persons were held in administrative detention differed from ordinary criminal justice institutions, for example remand centres. He also wished to receive statistics on administrative deportation of foreign citizens and stateless persons. How many individuals had been deported from the Russian Federation per year during the reporting period, how many of those deportations had been ordered by a judge and how many by an administrative official? He also wished to know how the State party ensured that administrative deportation decisions did not violate the principle of non-refoulement.

22. He had been surprised to note the lack of statistics in the State party report on violence against women in detention, an issue about which the Committee had repeatedly expressed concern. Furthermore, no information had been provided about measures taken to ensure justice in cases of violence against women in detention and to combat the prevailing impunity. He wished to know whether the State party intended to take action to address the problem.

23. While the Committee was pleased to learn that prison doctors no longer reported directly to prison wardens, it continued to have concerns about the independence of doctors and about poor access to medical care in prisons. It would welcome information on the number of full-time medical doctors working in the 67 health clinics in the penitentiary system, who were responsible for addressing the health needs of some 600,000 detainees and prisoners in 957 penal institutions. Statistics on prisoners' access to specialized medical treatment would also be appreciated.

24. Noting that the State party had one of the highest prison mortality rates in the Council of Europe countries, he asked whether the statistics on the number of deaths in federal penal establishments provided in annex IV to the State party report included deaths of persons in police custody. He would appreciate information on the procedure for investigating deaths in custody and on whether the procedure varied according to the assumed cause of death. He also wished to know who performed the post-mortem investigations and how independence was ensured. It would be useful to know whether

post-mortem investigations had given rise to criminal and disciplinary cases. If so, how many and what sanctions had been imposed? Information on investigations of deaths caused by violence inflicted by other inmates or staff, and on criminal and disciplinary sanctions in such cases, would also be appreciated. In particular, he would like an update on what investigations had been conducted and what other actions had been taken by the authorities with regard to the perpetrators who had caused the violent death of Valery Pshenichny in early 2018.

25. He would be grateful if the State party could explain why it consistently refused to publish any of the reports of the periodic visits carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. He would also appreciate clarification of the procedure relating to non-refoulement. Specifically, did persons benefit from protection against non-refoulement only if they initiated judicial proceedings? As previously requested, the Committee wished to receive information on the number of cases in which extradition had been granted, the countries to which individuals had been returned, whether appeals mechanisms were in place, how many persons had appealed on the basis of article 3 of the Convention and the outcome of such appeals. It would also like information on cases in which the State party had relied on diplomatic assurances in cases concerning the extradition or expulsion of persons from its territory and on what countries had been involved. Lastly, the Committee would welcome an update on the well-being and whereabouts of Mr. Alexey Kalinichenko.

26. **Mr. Heller Rouassant** (Country Rapporteur), noting the information provided in the State party report on measures to ensure that all persons listed in article 10 of the Convention were informed about the prohibition of torture, said that he would like further details on the design, organization and content of the training courses and seminars mentioned. He also wished to know whether there was a mechanism for assessing the courses and seminars. If so, how often were they assessed and who was responsible? In addition, he would be grateful for more information on the mandate and membership of the Investigative Committee of the Russian Federation.

27. Noting that judges and officials of the Supreme Court and lower courts were kept informed of the current practice of the European Court of Human Rights and of human rights treaty bodies with regard to upholding the right of individuals not to be subjected to torture, he asked what effect that had had on the State party's legislation. Information on the number and content of judgments of the European Court involving the Russian Federation would be welcome. In addition, he wished to know what training was given to doctors, nurses and other staff on documenting and investigating allegations of torture and ill-treatment in accordance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

28. According to official information, as at December 2017, some 48,000 Russian military personnel had been involved in the war in Syria. He had been struck by the fact that, for the first time, military police had taken part in the State party's external military operations. He wished to know whether the actions of the military police, or any other forces on the ground in Syria, had led to any cases of violation of the Convention. If so, had the violations been investigated and those responsible punished?

29. According to reports from Human Rights Watch and other NGOs, forcible deportations had allegedly taken place, in which civilians had been transferred to other areas without being informed of the reasons why and without their consent, which would constitute a violation of international human rights law. He would appreciate a comment from the delegation on those allegations.

30. He welcomed the efforts made to strengthen the mandate and independence of the Office of the Human Rights Commissioner of the Russian Federation, but would like further information regarding the human, financial and material resources allocated to the Office and the procedure for appointing the Human Rights Commissioner and other staff members. He would also like to know more about the criteria for the selection of the commissioners for the rights of indigenous peoples in the Republic of Sakha, Kamchatka Province and the Krasnoyarsk Territory. It would be interesting to learn which of the

recommendations made by the Office of the Human Rights Commissioner in its annual report had been accepted and implemented. Further information on the steps taken to implement the Office's recommendations on addressing overcrowding, poor living conditions and systematic management problems in detention centres would be particularly welcome. He found it noteworthy that, in contrast to reports received from other sources, the Office's report made no mention of complaints of torture or ill-treatment against prisoners.

31. The Committee remained concerned that the work, effectiveness and independence of the public oversight commissions tasked with monitoring places of detention had been undermined by a continued lack of financial and human resources. For example, the public oversight commissions of Chelyabinsk Province and Primorye Territory had only half the number of members required to conduct their respective monitoring and oversight functions effectively. He wished to know what criteria had been used to appoint members to the committees and guarantee their independence. For example, was an effort made to ensure an interdisciplinary balance among committee members? He wondered whether the State party planned to amend the Federal Act No. 76 of 10 June 2008, on public monitoring of arrangements to uphold human rights in places of detention and measures to assist persons held in such places, with a view to strengthening the selection process for committee members, abolishing the role of the Civic Chamber in the nomination process, and bolstering the committees' mandate in areas essential for the protection of human rights.

32. He would like further information regarding the criminal charges brought against Aleksey Sokolov, who had reported cases of torture against detainees and had subsequently been investigated and prosecuted. He also wished to know more about the composition of the Presidential Council for the Development of Civil Society and Human Rights and its interaction and relationship with the Office of the Human Rights Commissioner. In addition, he would like to know whether the State party intended to ratify the Optional Protocol to the Convention against Torture and establish a national preventive mechanism.

33. Concerning the case of Sergey Magnitsky, he would be interested in hearing the delegation's views with respect to the failure to provide Mr. Magnitsky with proper medical care and its comments on the overall handling of the case. He also wished to learn more about the working meeting held between representatives of the Federal Penal Correction Service and Andreas Gross, Rapporteur of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe, at which issues relating to the death of Mr. Magnitsky, had been reviewed. In addition, he would be grateful for further information regarding the investigation of acts of torture and the use of excessive force by prison officers during a mass protest at Kopeisk Correctional Colony No. 6. The Committee was especially concerned about reports of reprisals and intimidation experienced by detainees who had submitted complaints. Despite having been found guilty of systematic extortion, harassment, torture and abuse, the Prison Governor, Major Denis Mekhanov, had received a 3-year suspended prison sentence and remained responsible for overseeing the conditions of detention in the prison. A comment from the delegation in that regard would be appreciated.

34. Alternative reports indicated that detainees continued to be subjected to torture and ill-treatment in prisons and that the transfer of prisoners often amounted to enforced disappearance, as in the case of Ildar Dadin, whose family and lawyers had received no information about his prison transfer. In a recent judgment against the Russian Federation, the European Court of Human Rights had found that the prison transfer conditions experienced by many detainees constituted inhumane and degrading treatment. Although investigations had been conducted into alleged acts of torture or ill-treatment committed by prison officials in Vladimir Province, the Republic of Bashkortostan, the Republic of Tatarstan and elsewhere, most had failed to result in prosecution and no sanctions had been imposed. The European Court of Human Rights had also found that the Russian Federation had violated articles 2, 3 and 5 of the European Convention on Human Rights in several cases involving illegal detention, death and enforced disappearances, which had not been adequately investigated. He would be interested in hearing the delegation's comments on those matters.

35. It was a source of concern that, as mentioned in paragraph 264 of the report, the Government of the Russian Federation took the view that the Committee's general comments, practices and working methods imposed no additional obligations on States parties. It was also worrying that the State party believed that the substance of several matters raised by the Committee in paragraphs 22 to 25 of the list of issues did not fall within the mandate entrusted to it under the Convention, including the situation of the Memorial Anti-Discrimination Centre and the Public Verdict Foundation, the cases involving Elena Klimova and Evgeny Vitishko and issues relating to the murders of Anna Politkovskaya and Natalia Estemirova.

36. He wished to point out that human rights were interrelated, interdependent and indivisible. Matters relating to torture and other cruel, inhuman or degrading treatment or punishment could not be considered separately from the overall human rights situation in the State party. In that regard, it was worrying to note the increase in the number of complaints of harassment, intimidation and reprisals made by human rights defenders and NGOs working to combat torture and ill-treatment. Those incidents, in combination with the legislation requiring civil society organizations that received foreign funding to register as foreign agents, had led many NGOs to cease their activities. The recent introduction of legislation on "undesirable organizations" had also resulted in the closure and prohibition of many NGOs and local organizations. Some 61 Russian NGOs had lodged a complaint with the European Court of Human Rights in response. He would like further information regarding the progress and outcomes of that case. He also wished to know whether the State party intended to review its legislation on NGOs in order to bring it into line with international standards.

37. Reports of the excessive use of force by law enforcement officers in at least 97 cities during recent peaceful anti-corruption protests and of police violence against demonstrators in Moscow, Petrozavodsk and Volgograd were of grave concern. He would like to hear a comment from the delegation on those reports. In the light of the adoption of the so-called homosexual propaganda law, it would be interesting to hear what action had been taken to combat the discrimination and violence experienced by lesbian, gay, bisexual and transgender persons such as Evdokia Romanova, the activist found guilty of promoting non-traditional relationships via the Internet, and Maxim Lapunov, one of the victims of torture during the Chechen "gay purge". Information on those cases and on the measures taken to investigate the reported kidnapping and torture of more than 100 gay men in Chechnya would be welcome.

38. The Committee was concerned at the absence of registers of cases in which confessions had been obtained through the use of torture and in which victims of torture were entitled to reparations. Even hospitals did not maintain registers to record the numbers of victims of torture who were entitled to a rehabilitation programme.

39. An alternative report gave information on the Russian Federation action plan for the execution of the European Court's pilot judgment in *Ananyev and others v. Russia* and the judgments in the Kalashnikov group of cases, which concerned inadequate conditions of detention in the Russian Federation. The action plan also included information on a draft law on compensation for inadequate conditions of detention. The Committee would welcome the delegation's comments on the action plan and recommended that the courts in the State party establish a register to record cases of confessions obtained through torture and a register of applications for rehabilitation in criminal or civil proceedings.

40. He welcomed the commitment of the Russian Federation to reduce and ultimately eliminate cases of ill-treatment and death of military personnel outside armed combat. However, some alternative reports raised questions concerning the number of investigations carried out in such cases. The State party reported that, in 2015, 35 complaints had resulted in criminal proceedings, while alternative reports referred to 2,788 occurrences of various offences within the military in that year, the vast majority concerning abuses of power and violent acts committed by officers against their subordinates. The Committee would be grateful for a comment on the apparent discrepancies between those figures.

41. Regarding the placement of persons with mental disabilities in psychiatric institutions, the Committee recommended that the State party amend its legislation in order

to guarantee judicial monitoring of all involuntary admissions into such an institution. A legal review should precede the placement of any person considered incompetent as a result of mental disability.

42. The Committee was very concerned at the situation in the North Caucasus, where reports continued to highlight grave violations of human rights, including forced disappearances, arbitrary detention and extrajudicial executions, torture, degrading treatment, kidnappings and a general lack of respect for the rule of law. The situation had become extremely dangerous for human rights activists such as Oyub Titiev, the Director of the Memorial Human Rights Centre of Chechnya, arrested in January 2018, and for many journalists, who reportedly also faced prosecution on trumped-up charges. *Novaya Gazeta* had reported that, since the end of 2016, dozens of persons in Chechnya had been illegally detained and tortured following arrest on suspicion of being jihadists and of carrying out an armed attack on the police. Extrajudicial killings had also been reported. To date, there was no record of any investigation of those incidents. The Committee would welcome any information that could throw light on the situation.

43. The State party should support NGOs in their efforts to monitor the human rights situation in the North Caucasus. The climate of impunity would only be overcome if cases of torture and degrading treatment were investigated and the perpetrators punished. An independent review should be carried out of the criminal cases brought against human rights activists on the basis of questionable evidence, including the cases against Zarema Bagavutdinova, in Dagestan, and Ruslan Kutayev and Jalaudi Geriev, in Chechnya.

44. Matters in Ukraine and Crimea were also of grave concern. Without prejudice to the status of Crimea under international law, or to the positions of States in respect of the General Assembly resolutions on the matter, he said he wished to draw attention to the many reports of human rights violations in the region, including the case of Oleg Sentsov, as well as continuing persecution of various groups, especially Tatars and other opponents of the annexation of Crimea by the Russian Federation. Lastly, noting the State party's involvement in the "5+2" talks relating to Transnistria, he said the Committee would welcome information concerning measures adopted to prevent torture and ill-treatment in the enclave between Moldova and Ukraine.

45. **Ms. Belmir** asked whether the legislation adopted by the State party in 2015, making international law subordinate to the Constitution of the Russian Federation, applied also to United Nations human rights conventions, or only to rulings of the European Court of Human Rights.

46. **Mr. Hani** said that he wished to know what measures had been taken by the State party to implement the recommendations of the Ombudsman in respect of persons with disabilities in detention and of conditions in psychiatric institutions and the regulatory framework for those institutions. He wondered whether the public oversight commissions had access to such institutions. A number of civil society reports provided information on the situation in psychiatric institutions and provided details of investigations into cases of human rights violations in those institutions, the results of which had not been made public in many cases. A number of cases of forced internment in psychiatric institutions had been reported in Crimea, including those of Tatar leader Ilmi Umerov and five other Tatar activists.

47. Paragraph 393 of the State party's report stated that 33,196 of 33,896 complaints of forced psychiatric internment in 2015 had been accepted as illegal by the civil authorities, yet paragraph 407 affirmed that no complaints of violations of the Convention had been lodged by patients of psychiatric institutions. He would welcome a clarification of that apparent contradiction. He would also be grateful if updated figures for the years since 2015 could be given. With regard to the State party's assertion that the practices, general comments and working methods of the Committee were of a purely internal nature and did not impose additional obligations on States parties, he wished to point out that the Committee's role was to interpret the Convention as it applied in States parties and to issue recommendations and observations accordingly.

48. **Ms. Gaer** said that she would like to know what guarantees would be provided to ensure that the persons responsible for the beating of Yevgeny Makarov would be properly

prosecuted and punished for torture. There had been a number of other prominent cases of torture in the Russian Federation, but it was unclear whether those responsible had been investigated and prosecuted. She wished to know if criminal proceedings had been instigated, and with what results, in the cases concerning Ildar Dadin, Yevgeny Gorevanov, Ruslan Sayfutdinov and Martiros Demerchyan. In the case of Sergei Magnitsky, the head of the Moscow Public Oversight Commission, Valery Borschev, had found that eight persons had been involved in his torture. No substantive prosecutions had followed. She wished to know the State party's response to Mr. Borschev's findings and to the highly critical resolution adopted by the Parliamentary Assembly of the Council of Europe regarding Mr. Magnitsky's death in prison.

49. She understood that a law had come into force in the State party in 2017 which amended article 116 of the Code of Criminal Procedure and exempted physical assaults on family members from criminal prosecution, provided the incident had occurred only once in the course of a year. Reports indicated that domestic violence was increasing dramatically in the Russian Federation, and she therefore wondered why the level of seriousness of the offence had been reduced. She would also like to hear what measures the Government was taking against the crimes of rape and sexual assault and of bride kidnapping.

50. **Ms. Racu** asked whether improvements were envisaged in the State party's police performance assessment system. At present the system, based on numerical criteria, encouraged rapid solving of crimes and could thus result in recourse to torture by law enforcement agencies wishing to extract confessions. She would also be grateful if the delegation would comment on the five recent escapes from low-security detention centres and on whether, as some reports indicated, that rash of escapes had been prompted by a high level of violence in those establishments. The Committee would also like to know what steps the Government had taken to ensure respect for the rights of women with children in detention and what measures it envisaged to minimize the impact of the criminal subculture in detention centres.

51. **Mr. Rodríguez Pinzón** said that the lack of a clear definition of torture in the State party's national legislation made it difficult for victims to obtain access to reparations, including rehabilitation services. He wished to know, firstly, what measures the State party envisaged to ensure that victims had prompt access to rehabilitation services and, secondly, whether victims were obliged to go to court to obtain compensation, or whether they could go through administrative channels. Detailed statistical information on the number of victims who had received such services would be appreciated.

52. **Mr. Hani** said that the Committee wished to know what action had been taken in response to the letters sent by its Chair and Rapporteur on reprisals and what steps were being taken to prevent reprisals, in particular in respect of Ms. Natalia Taubina.

The meeting rose at 1 p.m.